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*Attorney for Plaintiff and Counterclaim  
Defendant Technology Licensing Company, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

<p><b>Technology Licensing Company, Inc.,</b></p> <p>Plaintiff and Counterclaim Defendant</p> <p style="text-align: center;">v.</p> <p><b>Sears, Roebuck and Co.</b></p> <p>Defendant and Counterclaimant</p>	<p>Case No. C 08-0343 (JL)</p> <p><b>Answer to Defendant's Answer and Counterclaims to Complaint For Patent Infringement</b></p>
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**ANSWER TO DEFENDANT'S ANSWER AND COUNTERCLAIMS**

Plaintiff and Counterclaim Defendant, Technology Licensing Company, Inc.  
("TLC"), answers Defendants and Counterclaimants, Sears, Roebuck and Co. ("SEARS"), Answer

and Counterclaims to Plaintiff's Complaint for Patent Infringement. TLC denies each and every allegation of the Answer and Counterclaims except as admitted or qualified as follows:

# **ANSWER TO SEARS' AFFIRMATIVE DEFENSES**

TLC denies that SEARS has any Affirmative Defenses to the Complaint for Patent Infringement. More specifically, by denying each and every one of the Affirmative Defenses, TLC does not concede that it has the burden of refuting any of the Affirmative Defenses and does not intend to alter the burden of proof on such matters to the extent such burden rests on SEARS.

# **ANSWER TO SEARS' COUNTERCLAIM FOR DECLARATORY RELIEF**

1. This Court has jurisdiction over TLC and the subject matter of this Counterclaim under 28 U.S.C. §§ 1331, 1338, 1367, 2201 and 2202. Venue is proper under 28 U.S.C. § 1400(b).

Answer: TLC admits that this Court has jurisdiction over TLC and that venue is proper.

2. This is a Counterclaim for declaratory judgment arising from an actual controversy between TLC and SEARS concerning the validity, enforceability and scope of claims of the Patent, for which TLC claims that SEARS is liable for infringement thereof.

Answer: TLC admits that SEARS is filing a Counterclaim against TLC concerning the validity, enforceability and the scope of claims of the Patent. TLC admits that SEARS is liable for infringement of the Patent.

3. SEARS seeks a declaratory judgment that the patent and its claims are invalid for failure to comply with Parts II and/or III of title 35 of the United States Code.

Answer: TLC admits that SEARS is seeking a declaratory judgment that the patent and its claims are invalid for failure to comply with Parts II and/or III of title 35 of the United

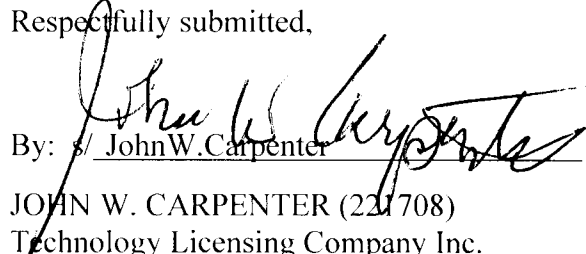
1 States Code. TLC denies that the claims of the patent are invalid for failure to comply with  
2 Parts II and/or III of title 35 of the United States Code.

3 4. SEARS seeks a declaratory judgment that it has not infringed any valid and enforceable  
4 claim of the Patent.

5 Answer: TLC admits that SEARS is seeking a declaratory judgment that it has not  
6 infringed any valid and enforceable claim of the Patent. TLC denies that SEARS  
7 does not infringe any valid and enforceable claim of the Patent.  
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10  
11 DATED: March 30, 2008

12 Respectfully submitted,

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14 By:  s/ John W. Carpenter

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23 *Defendant Technology Licensing Company*  
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**PROOF OF SERVICE**  
**(FRCP 5)**

I am a citizen of the United States and a resident of the State of California. I am employed in San Francisco County, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years, and not a party to the within action. My business address is Technology Licensing Company Inc., 33 ½ Los Pinos, Nicasio, CA 94946. On the date set forth below I served the documents described below in the manner described below:

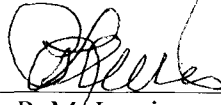
**TLC INC.'s ANSWER TO COUNTERCLAIMS**

- ☐ (BY US MAIL) I am personally and readily familiar with the business practice of TLC for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Francisco, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE) I am personally and readily familiar with the business practice of TLC for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☒ (BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of TLC for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be served by electronic mail to the undersigned.

on the following part(ies) in this action:

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Executed on March 30, 2008 at San Francisco, California:

  
P. M. Lewis